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September 7, 2000

Mississippi River/Gulf of Mexico Draft Action Plan (4503F)
c/o US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington D.C. 20460

Re: Comments on the Mississippi River/Gulf of Mexico Draft Action Plan for Reducing, Mitigating and Controlling Hypoxia in the Northern Gulf of Mexico

Please accept these comments from Illinois Farm Bureau® regarding the Draft Action Plan for Reducing, Mitigating and Controlling Hypoxia in the Northern Gulf of Mexico.

Illinois Farm Bureau is a voluntary grassroots organization whose members include about three-fourths of the farmers in Illinois. IFB® supports the utilization of voluntary best management practices and support incentive-based educational programs with technical assistance to address natural resource issues. We support the Conservation Reserve Program and other similar programs of the state and federal level to address water quality issues.

We have serious concerns with the Draft Action Plan and oppose its finalization. We feel it would have severe negative ramifications for farmers in Illinois and will not achieve the main goal of addressing hypoxia in the Gulf of Mexico. Many in the scientific community and representatives of state agencies and organizations have repeatedly raised basic questions throughout the process beginning prior to the development of the Committee on Environment and Natural Resources (CENR) reports and then continuing through development of this draft plan.

Our questions have not been addressed and need to be before this draft is finalized. The federal government needs to realize that serious errors have occurred in the logic and thought processes used to develop this draft plan and the information used for the foundation of the plan. The federal government should acknowledge that mistakes in judgment have been made and should retract the Draft Action Plan.

We have these specific comments on the draft.

Lack of Cost/Benefit Analysis

When Congress passed the Hypoxia Research and Control Act in 1998, they required the President in conjunction with the chief executive officers of the states to submit a plan for reducing, mitigating, and controlling hypoxia. The law also required the plan to contain the costs and benefits of addressing hypoxia.



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The Draft Action Plan does not contain a cost/benefit analysis and, therefore, does not meet the requirements of the law.

In failing to meet this basic requirement, the draft plan does not recognize the detrimental economic impact it will have on production agriculture in Illinois.

The draft states that the primary approaches "appear to be to reduce nitrogen loads in the basin and to restore and enhance denitrification and nitrogen in the basin" (page 42691 of the July 11 Federal Register). The draft also says that "significant uncertainties remain" on the causes and consequences of hypoxia (p. 42694 of the July 11 Federal Register).

How can the government develop a draft plan such as this that will have huge negative impacts on agriculture when it acknowledged that significant uncertainties remain? This is not responsible government.

Another example of our concerns related to this issue is that the draft states that a 20 to 40 percent nitrogen reduction loading "appears" to be needed in the Mississippi River Basin (MRB). In order to achieve this goal, the draft states that the number of acres of wetlands and riparian areas need to be increased.

The Integrated Assessment states that a 20 percent reduction can be achieved by a conversion of a mere 0.7 percent of the total land area in the MRB.

Since cities and parking lots will not be converted to wetlands and riparian areas, converted land will have to come from cropland acres. The 0.7 percent of total acres is not an accurate depiction of the land actually affected by the plan. This 0.7 percent of total acres in the basin actually calculates to a higher percentage of land that would come from cropland to achieve these nitrogen reduction goals.

A 20 percent reduction through increased wetland acres in Illinois could take 4.6 percent cropland acres out of production at a cost of \$145 million annually. A 40 percent nitrogen reduction through increasing wetland acres will reduce agricultural production by \$290 million annually. A 20 percent reduction through increased riparian areas would translate to an approximate \$543 million annual production loss. A 40 percent nitrogen reduction through an increase in riparian areas would mean a decrease of \$1 billion of agricultural value annually.

If the cropland was purchased at \$4,000 an acre, this would even further escalate the cost of such a program.

The annual agricultural economic loss in the Illinois River Basin would be huge. The loss of revenue would impact the infrastructure of agriculture and the strength of local economies.

The Integrated Assessment states that the "benefits to quantify nitrogen loads to the Gulf are difficult to quantify." The Topic 6 Report states "the direct measurable dollar benefits to the Gulf fisheries of reducing nitrogen loads to the MRB are very limited at best."

Because of all of this lack of information, complicated with uncertainties, the draft plan misses the opportunity to address basic questions of economics that would be involved in the cost/benefit analysis that was never done. In order to make any plan workable economics must be addressed.

Nutrient Standards and TMDLs Must Be Removed from the Draft

The draft plan says that states must adopt water quality standards for nutrients including criteria for nitrogen that are tailored to the coastal ecoregions of the Northern Gulf of Mexico and near coastal waters of the Gulf hypoxic zone. We feel the reference to nutrient standards or TMDLs should be removed from the draft plan. EPA should not connect nutrient standards or TMDLs to the Gulf of Mexico issue. States should not be made to develop TMDLs to meet goals outlined in the draft for the Gulf of Mexico.

Remove the Numeric Nitrogen Reduction Goals

Throughout the draft plan, these statements are made:

“The complex nature of nutrient cycling and transport within the Mississippi and Atchafalaya River basins and Gulf of Mexico make it difficult to predict specific improvements in water quality that will occur in the Gulf as well as the entire Mississippi River basin for a given reduction in nutrient loads” (page 42694 of the July 11 federal Register).

“It is clear that the responses to management action will be slow, possibly requiring decades to demonstrate that remedial actions have helped the recovery of oxygen concentrations in the Gulf and have improved water quality in the Basin” (page 42694 of the July 11 federal Register).

“Significant uncertainties remain” about the causes and consequences of hypoxia (page 42694 of the July 11 Federal Register).

With all of these statements, it is neither logical nor prudent to set numeric goals for the reduction of nitrogen in the basin. The draft acknowledges there are many uncertainties on the issue and the economics of how the draft will impact agriculture in Illinois is not known. Because the draft does not assess the economic and social costs and benefits the plan should not contain any quantitative goals.

The numeric goals for reduction of total nitrogen loadings should be removed from the draft!

Need for More Scientific Information to Address a Complex Issue

This issue is a very complex one. It deserves a far more comprehensive and thorough analysis than was found in the draft plan or even the CENR reports.

Policy developed solely because of this plan or the CENR reports will be as one sided as the reports are.

A much more comprehensive analysis of the issue needs to be done. Issues such as the increasing urban populations, air deposition and dynamic forces along the Gulf are among the issues that need to be further analyzed.

The federal government seems to be unwilling to reevaluate the assumptions on which this analysis is made or to review new data that seems to oppose the draft plan. This plan will impact agriculture and the government should be committed to developing a sound plan that is workable instead of one that is fraught with difficulties.

We believe that enough questions have been raised to indicate the need for additional time to evaluate this issue and the solutions. We need to have more confidence that the science behind the plan is sound and that the plan will not detrimentally impact Illinois agriculture.

Action Item #6 on page 42694 of the July 11 Federal Register states that by 2001 there should be a research strategy developed to coordinate and promote funding for necessary research to reduce uncertainties regarding the sources, effects and processes for hypoxia in the Gulf of Mexico. This Action Item is logical and should be pursued. This should be done before a Draft Action Plan is written or approved.

Funding Is Needed for the States

The cost of this program will not only be costly for agriculture but it also will be costly for states to implement. State agencies are already involved in addressing water quality issues at the local level. No specific increase in federal funding for states to implement programs referenced in the plan is guaranteed in the draft. US EPA should not only provide money for states to implement state programs referenced in the draft, but also to do detailed studies of the social and economic costs and benefits associated with implementing the solutions in the draft plan.

In addition, the draft plan mentions current programs such as the Conservation Reserve Program and the Environmental Quality Incentive Program. These are USDA programs that IFB has over the years supported and they have had many beneficial outcomes.

However, the funding for these USDA programs has been decreasing and the workload involved with implementing current projects associated with these programs is overwhelming for the states and local county offices. The draft plan implies that new projects should be implemented through these current USDA programs but no additional funding is mentioned for these existing programs. It appears that this will take money away from successful current projects funded through these programs. If additional workload is added to these successful existing USDA programs, then there should also be significant increased funding for these USDA programs from the federal government.

Flow Management Needs Immediate Investigation

Point #9 of the draft plan (page 42692 of the July 11 Federal Register) mentions doing a reconnaissance level assessment of potential nutrient reduction actions that could be achieved by modifying Corps of Engineer (COE) projects or project operations. The date placed on this goal is 2003.

This issue of flow management through COE projects or project operations needs to be addressed immediately and should not have a time frame of 2003.

Voluntary Actions by the States Are Working

Many agencies and organizations are committed to implementing numerous voluntary, workable programs to address water quality and natural resource issues. The water quality trends are good in Illinois and soil erosion continues to be decreased. We will continue to work to increase the positive environmental trends we have seen and support the use of best management practices for agriculture.

This draft plan however is not logical and it appears nearly impossible to implement.

Process Used to Submit Plan

The law requires the President to submit the plan in conjunction with the chief officers of the states for their concurrence. The EPA has not indicated that they will submit the draft to the states for their agreement.

The EPA should abide by the law and submit the plan for approval by the states.

Summary

We feel the plan should not be approved because it does not contain the mandated cost/benefit analysis, improperly refers to nutrient standards and TMDLs, contains numeric goals for reduction of nitrogen and needs further scientific analysis to determine causes of hypoxia and realistic solutions to the issue.

Thank you for the opportunity to comment on the Draft Action Plan.

Sincerely,



Nancy Erickson, Director
Natural and Environmental Resources